



CITY OF SUNNYVALE REPORT Planning Commission

January 12, 2004

SUBJECT: **Classic Communities:** Application for a one-acre project located at West Washington Avenue and South Mary Avenue in an R-3/PD Zoning District (Medium Density Residential/Planned Development) (APN: 161-36-027):

Motion **2003-0788** Special Development Permit to allow construction of 18 townhouses;

Motion **2003-0788** Tentative Map to subdivide one lot into 18 lots and one common lot.

REPORT IN BRIEF

Existing Site Conditions Vacant lot

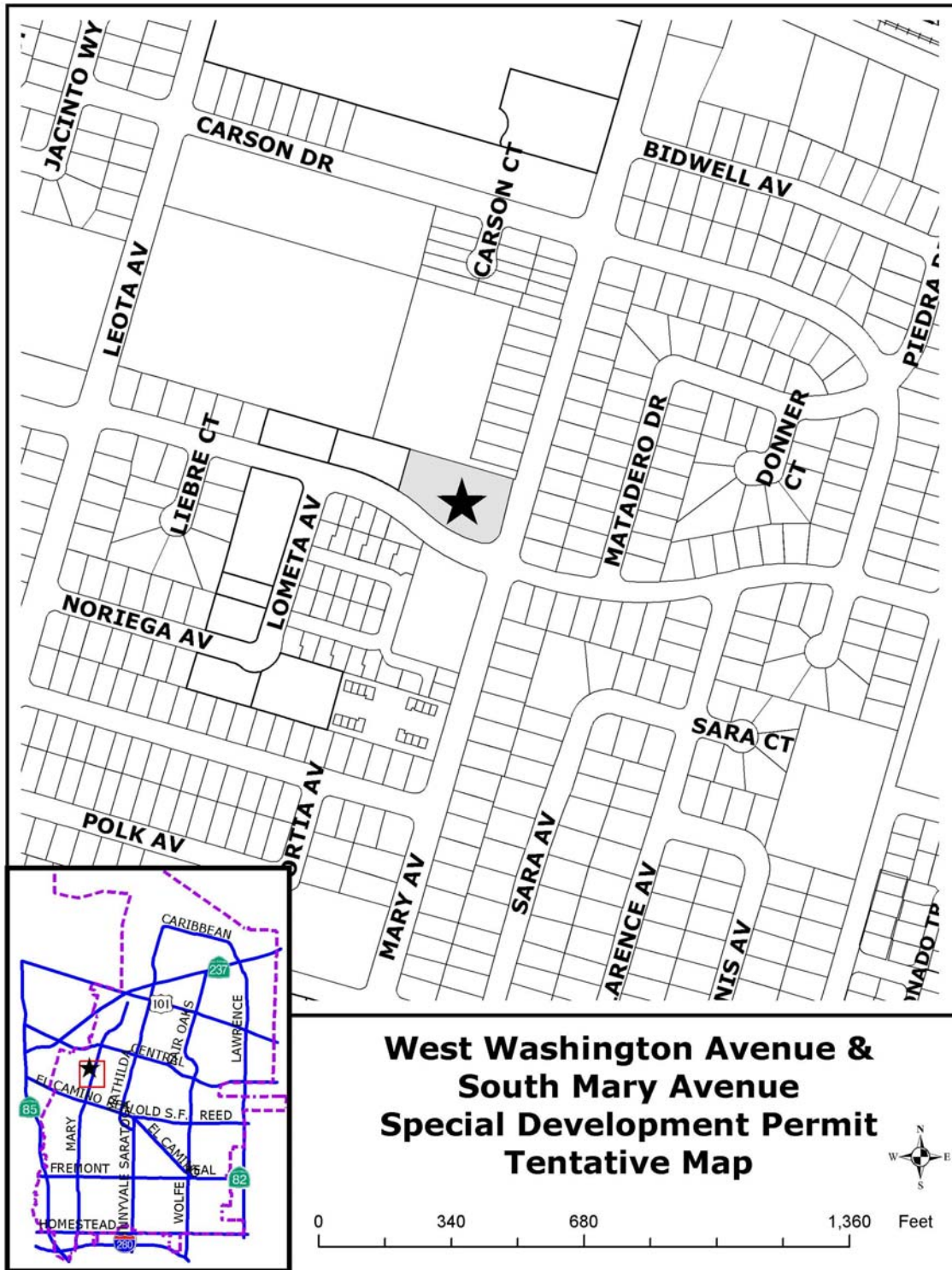
Surrounding Land Uses

North	Water storage facility and Single Family Homes
South	New Construction of Commercial Building and Single Family Homes
East	Single Family Homes
West	Apartments

Issues Usable Open Space
Fire and Solid Waste Vehicle Access

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential Medium Density	Same	N/A
Zoning District	R-3/PD	Same	N/A
★ Lot Size (s.f.)	45,302	1,354 min., 1,764 average	8,000 min.
Gross Floor Area (s.f.)	N/A	35,280 s.f. (1,960 s.f./unit)	N/A
Lot Coverage (%)	N/A	32%	40% max.
Floor Area Ratio (FAR)	N/A	78%	N/A
No. of Units	N/A	18	max.
Density (units/acre)	N/A	18 d.u./acre	24 max.
Meets 75% min?	N/A	Yes	18 min.
Bedrooms/Unit	N/A	2 (3 optional)	N/A
Unit Sizes (s.f.)	N/A	1,960	N/A
★ Lockable Storage/Unit	N/A	None	300 cu. ft. min.
No. of Buildings On-Site	N/A	9	N/A
★ Distance Between Buildings	N/A	15 ft. min.	20 ft. min.
★ Building Height (ft.)	N/A	36'-3"	30 ft. max.
★ No. of Stories	N/A	3	2 max.
Setbacks (facing prop.)			
★ • Front (Mary Ave.)	N/A	15 ft. min., 15 ft. average	15 ft. min., 20 ft. average
• Front (Washington Ave.)	N/A	15 ft. min., 26 ft. average	15 ft. min., 20 ft. average
• Right Side	N/A	6 ft.	6 ft. min.
★ • Rear	N/A	13 ft.	20 ft. min.

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
Landscaping (sq. ft.)			
• Total Landscaping	N/A	20,042	7,650 min.
• Landscaping/Unit	N/A	1,113 average 689 min. (1 unit)	425 min.
★ • Usable Open Space/Unit	N/A	337 average	400 min.
• Frontage Width (ft.)	N/A	15 ft.	15 ft. min.
• Parking Lot Area Shading (%)	N/A	TBD	50% min. in 15 years
• Water Conserving Plants (%)	N/A	TBD	70% min.
Parking			
• Total No. of Spaces	N/A	45	45 min.
• No. of Standards	N/A	44	45 min.
• No. of Compacts / % of total	N/A	N/A	N/A
• No. of Accessible	N/A	1	1 min.
• No. of Covered Spaces	N/A	36	36 min.
★ • Driveway Aisle Width (ft.)	N/A	22 ft.	24 ft. min.
• Bicycle Parking	N/A	TBD	Min.

★ Starred and shaded items are deviations from Zoning Code.

ANALYSIS

Background

Previous Actions on the Site: There are no previous planning applications related to the subject site.

Description of Proposed Project

The applicant is proposing construction of 18 Victorian-style, three-bedroom townhouses on a one-acre vacant lot located at the northwest corner of South Mary Avenue and West Washington Avenue. All of the units would be 1,960 square feet including garage. The townhouses would be arranged as duets with a two-car garage. Each unit would be three stories including the garage level. There would be one entrance/exit to the site west of the bus stop on West Washington Avenue. Guest parking would be located on the site.

The proposed project includes a Tentative Map which would subdivide the lot into eighteen lots and one common lot to allow individual ownership of the units.

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures (see Attachment 3, Initial Study).

Mitigations for traffic noise include sound-rated windows for units on South Mary Avenue and sound fences between adjacent buildings (see Conditions of Approval 35 – 37).

Special Development Permit

Use: The project consists of 18 three-bedroom, three-story townhouses, which would include two (12.5%) below market rate ownership units. The proposed density is 18 d.u./acre. This density is consistent with the General Plan Designation for the subject site and meets the General Plan goal to provide 75% of the maximum allowable density.

Site Layout: There would be 9 buildings on the site each with two units. The proposed front setback on South Mary Avenue would be 15 feet, the setback on West Washington Avenue would be a minimum of 15 feet and an average of 26 feet, the rear setback would be 13 feet, and the side yard setback adjacent to the water storage facility would be 6 feet. There would be 15 feet between adjacent buildings (see site plan in Attachment 5).

Three buildings would front Mary Avenue and two buildings would front Washington Avenue. Landscaping would be located in front of each unit and along the street frontages. Garage doors would be located at the rear of each

unit. Nine guest parking spaces would be available at various locations on the site.

Access to the site would be located west of the bus stop on Washington Avenue. A 22-foot wide aisle provides circulation. The aisle dead ends in two locations along the right side yard (adjacent to the water storage facility). Existing access to the site on the east side of the bus stop on Washington Avenue and on Mary Avenue would be replaced with curbs. Pedestrian access would be available on the west side of the site and through the center of the site.

No external mechanical equipment is proposed for this project. Homeowners would be responsible for installing their own air conditioning. With the proposed site design, there are no acceptable locations for air conditioning units. The Code requires that external mechanical equipment be screened from view, and that equipment measuring 18 inches or more in height meet the required minimum side yard setback for the Zoning District. The Code also prohibits placement of mechanical equipment between the street and the front of the building.

Although the General Plan goals for density have been met with the proposed layout, the applicant is requesting several deviations from the Code (see **Compliance with Development Standards** section of this report), mainly to accommodate the proposed duet layout. Given site limitations and Code requirements, staff believes that a row-housing layout with more than two attached units per building would allow the project to meet density goals while reducing the number of requested deviations, particularly for usable open space and trash enclosures; however, staff acknowledges that the proposed building configuration is more compatible in bulk and scale with surrounding detached single family homes.

One potential solution that may accommodate the duplex configuration while increasing usable open space and providing space for up to two trash enclosures, would be to reduce the space between the buildings. With a minimum distance of 12 feet between buildings, the side yards could be counted as usable open space if fences are not installed. Staff is recommending Condition of Approval 6b to allow a minimum distance of 12 feet between buildings, and Conditions of Approval 7 and 8 requiring that the site be reconfigured to increase usable open space and provide space for trash enclosures.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<p>Site Design A1: New projects shall be compatible with the surrounding development in intensity, setbacks, building forms, material, color and landscaping.</p>	<p>The architectural design of the proposed project is compatible with the residential character of the surrounding neighborhood and it will improve the streetscape on both Mary Avenue and Washington Avenue. The mass and scale of the project, particularly with regard to building height, is generally larger than surrounding developments, but it would be difficult to meet landscaping and parking requirements and the 75% density guideline while providing townhouse ownership units if the height of the buildings were reduced.</p>

Architecture: The proposed design of the units is reminiscent of the Victorian-style. The exterior walls of the units would be wood siding with brick surrounding the base. Roofs would be composition shingle. Proposed unit colors include grey, olive green, brown and beige. Adjacent units would be distinguished from one another with varying colors and window designs.

The following Guidelines were considered in the analysis of the project architecture.

Design Policy or Guideline (Architecture)	Comments
<p>Architecture C1: Maintain diversity and individuality in style but be compatible with the character of the neighborhood.</p>	<p>The proposed design and materials would be compatible with the character of the neighborhood.</p>

Design Policy or Guideline (Architecture)	Comments
Architecture C9: Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.	The proposed Victorian-style architecture includes a number of design elements that create a high-quality product. Specifically, front porches and unique decorative windows that distinguish adjacent units.

Landscaping and Usable Open Space: The two street frontages would have a 15-foot wide landscaping strip as required by Code. Landscaping internal to the site would be located mainly in front of the units. As shown in the Project Data Table, the proposed landscaping meets the required minimum of 425 square feet per unit.

The usable open space per unit does not meet the minimum Code requirement of 400 square feet per unit. Seven of the units have no usable open space directly associated with them. For reference, the Code defines usable open space as an outdoor or unenclosed area on the ground, roof, balcony, deck, porch, pool area, patio, terrace or recreation building designed for outdoor living, recreation, pedestrian access or landscaping, excluding required front yards. Such areas must have 12 feet minimum in any direction and 200 square feet minimum of area. Private balconies of 80 square feet minimum or roof, deck and porch areas of 120 square feet minimum may be included. This project proposes no balconies or roof, deck or porch areas.

Parking/Circulation: Proposed parking on the site meets the Code requirement of 2 covered and 0.5 guest spaces per unit. There will be 36 covered parking spaces (two-car garages) and 9 uncovered, guest parking spaces. One of the guest parking spaces would be an accessible parking space. Per Conditions of Approval 27 - 29, no on-street parking will be available adjacent to the site.

As earlier noted, there would be one entrance/exit to the site on Washington Avenue. A 22-foot wide aisle provides access to each unit on the site, and dead ends in two locations on the north side of the site. Residents in units adjacent to the dead ends may find it inconvenient to exit the site, but it is possible. Traffic Engineering recommended that either an aisle be added to the rear of the site to eliminate the dead ends, or that the applicant meet certain conditions to share the alley to the water storage facility which is located north of the site. The conditions necessary to use the water storage facility access are fairly extensive as the site is used almost daily and the existing alley serves as the only location to park the required maintenance vehicles. Both of these

design options were presented to the applicant. To date, the proposed circulation for the project remains the same as originally proposed.

The main concern with the proposed circulation plan is fire and solid waste truck access. These vehicles will either have to back out from the dead ends or avoid entering those areas. The original plans proposed a 7-foot inside turn radius where 30 feet is required. This was reviewed by Fire Prevention and Solid Waste, and both departments agreed that a 20-foot inside turn radius would work for this site. The site plan and Tentative Map have been revised to reflect this change.

Solid Waste Collection: As previously noted, the proposed site circulation would pose a problem for solid waste collection. The applicant is currently proposing that each homeowner have individual collection service, which would require homeowners to place bins either along the public street frontages or along the aisle on the site. Both options are undesirable because street frontages would be cluttered with bins or solid waste trucks would have to gather bins from units that are difficult to access.

The Zoning Code requires that trash enclosures be provided for multifamily residential projects. The applicant is requesting a deviation from this requirement; however, due to limitations with circulation on the site, staff is recommending that trash enclosures be provided in locations that are accessible to solid waste trucks (see Condition of Approval 8).

Easements/Undergrounding: Condition of Approval 11 requires underground utility connections. Public Works Engineering has required a 6-foot public utility easement on Mary Avenue and 10-foot public utility easement on Washington Avenue.

Tentative Map

The proposed Tentative Map subdivides the subject lot into eighteen lots and one common lot (see Attachment 6). The minimum lot size proposed is 1,354 square feet, and average lot size is 1,764 square feet. The minimum required lot size in an R-3 Zoning District is 8,000 square feet. The lot sizes proposed would be included as a deviation as part of the Special Development Permit.

To address concerns previously noted with the location of trash enclosures and the addition of more usable open space, the proposed Tentative Map would need to be modified accordingly.

Compliance with Development Standards

The applicant is requesting the following deviations from Code. Staff is recommending approval of items in bold print.

Item	Deviation Requested	Proposed	Required	Staff Recommendation
1	Lot size	1,354 s.f. min., 1,764 s.f. average	8,000 s.f. min.	<u>Approval:</u> The proposed lot sizes and configurations are consistent with similar townhouse developments found throughout Sunnyvale and are necessary to support the typical townhouse development pattern.
2	Lockable Storage/Unit	None proposed	300 cu. ft. min.	<u>Approval:</u> Each unit will have a two-car garage that meets the required area of 400 square feet, a portion of which can be used for storage.
3	Building Height	36'-3"	30 ft. max	<u>Approval:</u> As earlier noted, although staff recognizes that the proposed height and number of stories of the buildings may appear somewhat out of scale with surrounding development, it would be difficult to meet density requirements and development standards for landscaping and parking if the height and number of stories were reduced.
4	No. of Stories	3	2 max.	
5	Setbacks: a. Front b. Rear	15 ft. average 13 ft.	20 ft. average 20 ft. min.	<u>Approval:</u> Staff supports the proposed front and rear setbacks because they would not significantly impact the usability or appearance of the site.
6	Driveway Aisle Width	22 ft.	24 ft. min.	<u>Approval:</u> Fire Prevention staff and Solid Waste staff have reviewed the proposed 22-foot aisle width and the 20-foot inside turn radius, and have deemed them usable for vehicle access.
7	Driveway Aisle Inside Turn Radius	20 ft.	30 ft. min.	
8	Distance between buildings	15 ft.	20 ft. min.	<u>Approval:</u> As discussed under the Site Layout section of this report, staff would support positioning of buildings with a minimum of

				12 feet between them to increase the usable open space per unit on the site and provide a suitable location for up to two trash enclosures.
9	Usable Open Space	0 s.f. min./unit	400 s.f. min./unit	<u>Denial:</u> The proposed project does not provide usable open space for all of the units. The minimum dimension required for usable open space is 12 feet, and required front yards cannot be included as usable open space. Staff is recommending that the site be reconfigured to provide a minimum of 400 s.f./unit of usable open space.
10	Solid Waste Collection	Individual service	Trash enclosures	<u>Denial:</u> Staff does not deem individual service for each homeowner to be a workable solution (see Solid Waste section of this report). Staff is recommending that the site be reconfigured to include up to two trash enclosures.

A study session was held with the Planning Commission on December 15, 2003 to review the proposed plans. The Planning Commissioners were concerned with the number of deviations being requested, and suggested that the site be modified to more closely comply with Code requirements. The applicant submitted revised plans showing that the inside turn radius has been increased from 7 feet to 20 feet. Other requested deviations were not addressed on the revised plans.

Expected Impact on the Surroundings

The expected impact on the surroundings is visual, and there are both positive and negative aspects. The proposed architectural design provides a visually pleasing streetscape on both Mary Avenue and Washington Avenue. Although the architectural design is desirable, the height of the units may not be appropriate for the area. Staff has received three phone calls from neighbors expressing concern about the proposed height of 36'-3". With the exception of the 27-foot high, two-story single family homes under construction on the southwest corner lot across from the subject site, the proposed units would be, on average, approximately twenty feet higher than most surrounding structures.

Staff has weighed the impact of the proposed height with the development standards required for the site and finds that it would be difficult to develop the site with townhouses if the height of the buildings were reduced (see **Compliance with Development Standards** section of this report).

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

No public correspondence has been received for this project. Staff has received five phone calls from neighbors. Three callers expressed concern with the height of the units, and two were concerned about traffic in the area. Traffic Engineering reviewed the potential impact on traffic and has found that no significant increase in traffic is expected as a result of this project.

A study session was held with the Planning Commissioners on December 15, 2003. No members of the public attended. See discussion under the **Compliance with Development Standards** section of this report.

Alternatives

1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

Christine Cannizzo
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Findings
2. Conditions of Approval
3. Mitigated Negative Declaration
4. Existing Site Photos
5. Site and Architectural Plans
6. Tentative Map

Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Housing and Community Revitalization Sub-element

A.1: *Continue to improve, if feasible, the existing jobs to housing ratio.*

The eighteen additional housing units would incrementally reduce the ratio of jobs to housing.

A.4.a: *The City shall require all new developments to build at least 75% of permitted density.*

The project meets this requirement with eighteen units.

Land Use and Transportation Element

C2.1: *Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.*

The project offers home-ownership opportunities including two below market rate units. The density proposed for this project is consistent with the General Plan Designation for the subject site.

C2.2: *Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.*

The proposed project will create eighteen homeownership units. The project meets the Housing and Community Revitalization Sub-Element Goal of providing at least 75% of the permitted density in number of residential units. The building design and architecture will enhance the appearance of the neighborhood.

Housing and Community Revitalization Sub-Element

Policy C.1 *Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.*

The proposed buildings incorporate design elements and materials of high quality. Although the buildings will be somewhat tall in relation to surrounding structures, the building design and architecture will generally enhance the appearance of the neighborhood.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

Provided that street parking is prohibited as conditioned, the proposed use would have no foreseeable significant impact on surrounding properties.

Findings - Tentative Map

The Planning Commission shall deny the Tentative Map if it makes any of the following findings:

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

Staff could not make any of the above findings. The proposed Tentative Map, together with the provisions for site design and improvement, is consistent with the objectives, policies, general land uses, and programs specified in the General Plan.

Conditions of Approval - Special Development Permit

In addition, to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. If not exercised, this Special Development Permit shall expire two years after the date of approval by the final review authority.
4. The Final Map must be approved prior to issuance of the building permit.
5. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development.
6. Specific Deviations allowed with this Special Development Permit are as follows:
 - a. A minimum lot size of 1,354 sq. ft. where 8,000 sq. ft. minimum is required.
 - b. A minimum distance of 12 ft. between buildings where 20 ft. is required.
 - c. No frontage on a public street.
 - d. Building height of 36'-3" where 30 ft. maximum is allowed.
 - e. Three stories where two stories maximum are allowed.
 - f. Front yard setback of 19 ft. where 20 ft. minimum is required.
 - g. Rear yard setback of 17 ft. where 20 ft. minimum is required.
 - h. Driveway aisle width of 22 ft. where 24 ft. minimum is required.
 - i. 0 cu. ft. of lockable storage space where 300 cu. ft. minimum is required.

7. Prior to the issuance of a building permit, the project shall be redesigned to meet a minimum of 400 sq. ft./unit of usable open space.
8. Submit a detailed recycling and solid waste disposal plan including trash enclosure design and locations to the Director of Community Development for approval prior to issuance of a building permit.
9. Prior to issuance of a building permit, the appropriate Transportation Impact Fee shall be paid in accordance with SMC 3.50.

Utilities

10. Any transformer placed between the face of the building and the public street shall be placed in an underground vault. At any other location, the transformer shall be screened as approved by the Director of Community Development.
11. Existing and proposed on-site and street frontage electrical, telephone and cable television services shall be undergrounded to the nearest off-site pole.

Homeowners Association

12. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the issuance of the building permit. The CC&Rs shall include:
 - a. The Conditions of Approval of this Special Development Permit.
 - b. Provisions for short and long term maintenance of the common lots, landscaping areas, parking, driveways, and utility connections.
 - c. All curbs along the private street and driveways be signed as "no parking" and marked as a red curb.
 - d. Provisions for a homeowners association.
13. Membership in and support of a homeowners association shall be mandatory for all property owners within the development. The homeowners association shall control all common facilities and shall obtain approval from the Director of Community Development prior to any modifications of the CC&Rs pertaining to or specifying the City or City requirements.

Building Design

14. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a building permit.
15. Roofing materials (50 year roof minimum) and colors shall be approved by the Director of Community Development prior to issuance of the building permit.

Landscaping and Site Plans

16. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a building permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
 - a. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to water pollution.
 - b. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - c. Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
 - d. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - e. All areas not required for parking, driveways or structures shall be landscaped.
 - f. Comply with the parking lot shading requirement (min. of 50% in 15 years) and the requirement to use 70% water conserving plants per SMC 19.38.070.
17. Fencing design and colors shall be approved by the Director of Community Development prior to issuance of the building permit. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.

18. Submit details and specifications of all exterior lighting to be used on each house or in the front yards for review and approval by the Director of Community Development. Lighting plan should include:
 - a. Sodium vapor (of illumination with an equivalent energy savings).
 - b. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than 8 feet in height on the periphery of the project.
 - c. Provide photocells for on/off control of all security and area lights.
 - d. Lights shall have shields to prevent glare onto adjacent residential properties.
19. Submit a decorative paving plan for the entrance/exit and the interior street, indicating details of materials, patterns, and colors for review and approval by the Director of Community Development.
20. Maintain 40-foot corner vision triangle at the intersection of South Mary Avenue and West Washington Avenue, and a 10-foot driveway vision triangle at the entrance/exit.

Parking/Access

21. An easement for emergency access shall be granted to the city over the entire area of the interior street.
22. Property owners shall maintain the garage spaces for the parking of vehicles. Recreational vehicles over 18 feet in length are prohibited from being stored on site.
23. All uncovered parking spaces shall be labeled "Guest Parking" as approved by the Director of Community Development.
24. All curbs along the private street and driveway be designated as "no parking" and marked as a red curb.
25. Unenclosed storage of any vehicle longer than 18 feet intended for recreation purposes shall be prohibited on the premises.
26. The common area and all walkways and parking in the common area are shall meet accessibility requirements as approved by the Building Division.

27. No parking shall be permitted along West Washington Avenue between South Mary Avenue and up to and including the bus stop.
28. No parking shall be permitted on South Mary Avenue along the site.
29. "No Parking" signs shall be installed in all areas where parking is not permitted.
30. Provide bicycle parking per VTA bicycle technical guidelines and SMC 19.46.040.
31. Install a concrete bus pad at the bus stop per technical specifications in Figure 26 of "Bus Stop Pavement Details of the Santa Clara County Transit District."
32. Install a stop bar and stop sign at the driveway entrance/exit.
33. Replace the curb, gutter and sidewalk along S. Mary Avenue and W. Washington Avenue.

Environmental Mitigation And Monitoring

34. Units along Mary Avenue and end units require a building shell that achieves an STC rating of 32 and windows that achieve an STC rating of 28.

Informational note: All windows and doors should remain closed in order to meet the interior noise requirement.

36. (Noise Mitigation Measure) Mechanical ventilation shall be required for each unit subject to the noise mitigation measures.
37. (Noise Mitigation Measure) Sound fences of at least seven feet in height are required between adjacent homes.

Mitigation Monitoring:

Noise-related Mitigation:

Who: Applicant shall submit evidence of compliance with the mitigation measures listed above in the form of detailed plans submitted for review and approval by the Director of Community Development prior to the issuance of a building permit. Required testing to ensure compliance with the maximum interior and exterior noise levels permitted will be provided at the applicant's expense, and results of the testing will be reviewed and approved by the Director of Community Development.

When: Prior to issuance of a building permit and prior to occupancy.

Below Market Rate Units

38. The project will provide two for-purchase below market rate (BMR) units. Sales prices and location of the units on the site will be determined by the Housing Officer prior to the time of building permit issuance in accordance with adopted codes.
39. Prior to building permit issuance, the developer shall execute and record certain "Resale Controls" in a form approved by the City Attorney which shall affect title to the designated BMR units (2 units). Such resale controls shall be designed and intended to bind successors in interest, running with the land for the period of 30 years from the date of recordation thereof. Receipt by the Director of Community Development or his designee of proof of recordation of the resale controls shall be a condition precedent to issuance of a permit to construct the development.
40. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate.
41. Conditions applying to any ownership units:
 - a. The original sales price of ownership BMR units shall comply with sales prices established by City Council.
 - b. Developer shall offer said BMR units for sale only to persons qualified under the terms of Sunnyvale Municipal Code Chapter

19.66, as amended. Offers shall be in writing and shall be held open for no less than 90 days.

- c. Following acceptance of an offer of sale, developer shall execute all necessary sales documents, and shall use its best efforts to complete each sale transaction.

43. In the event that any BMR unit or portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named an additional insured party to all fire and casualty insurance policies pertaining to said assisted units.

Conditions of Approval - Tentative Map

A. Planning Division

1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
2. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
3. Building permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
4. Any proposed Deeds, Covenants, restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.
5. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
6. Prior to final approval of the Final Map by the Director of Public Works, the "In-Lieu Park Dedication Fee" of \$4,851.50 per unit shall be paid in accordance with SMC 18.10.

B. Building Safety Division

1. Obtain Grading Permits as required (SMC 16.12.010).
2. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).
3. Seal and cap all irrigation systems in accordance with

Building Safety regulations.

C. Public Works

1. A six-foot public utility easement is required along the entire lot frontage of South Mary Avenue, and a ten-foot public utility easement is required along the entire frontage of West Washington Avenue.
2. This project is subject to, and contingent upon, the recordation of a Tract Map. Said Tract Map shall have adequate reservations of public and/or private utility, ingress/egress easements and/or abandonment of existing easements to the satisfaction of the Public Works Director. The Tract Map shall be recorded prior to any permit issuance.
3. The developer shall execute a Subdivision Agreement and post surety bond(s) in a form acceptable to the City and/or cash deposit(s), guaranteeing completion for all proposed public improvements, prior to Map recordation.
4. The developer shall pay all Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.
5. The interior private access road and the parking area shall be designated as a letter lot on the Tract Map.
6. This project requires dedication of private access road as emergency vehicle ingress-egress easement.
7. Sanitary sewer lines on private access road serving 2 dwelling units or more shall be designated as public sewer system and be maintained by the City with appropriate easement dedicated to the City on the Tract Map.
8. All utility companies (for non-City owned utilities) shall be contacted to establish appropriate easements to provide services to each dwelling unit.
9. The developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site caused by the development.

10. The developer shall have provisions in the “Conditions, Covenants, and Restrictions (CC&Rs)” for the perpetual maintenance of the landscaping, private access road, common lot, private easements, private utilities, etc. to the satisfaction of the City. Said covenant shall also prohibit homeowners from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City. CC&Rs shall be recorded concurrently with the Tract Map.
11. The submittal, approval, and recordation of a subdivision map shall be in accordance with the provisions of the State Subdivision Map Act and the City’s subdivision ordinance (Title 18).
12. Install all public improvements (curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic control signs, striping, street lights, etc.) prior to occupancy as required by the Director of Public Works.
13. All public improvements shall be per City standards unless otherwise approved by the Director of Public Works.
14. Any existing deficient public improvements, including but not limited to the realignment of the curb and gutter and sidewalk shall be upgraded to the satisfaction of the Director of Public Works.
15. Unused driveway approaches shall be replaced with standard curb, gutters and sidewalk.
16. This project requires connection to all City utilities or private utilities operating under a City franchise which provide adequate levels of service.
17. The developer/owner is responsible for research on private utility lines (PG& E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project.
18. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
19. All utility plans (PG & E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and

- approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements.
20. All proposed drainage system on private access road shall be privately owned and maintained unless otherwise approved by the City as public system(s). The fire and domestic water systems shall be privately owned and maintained beyond the meter.
 21. All lots shall be served by utilities, allowing each lot to function separately from one another.
 22. Individual water services and meters shall be provided to each lot.
 23. All City utilities shall be installed outside any driveway approaches.
 24. A hydrology/hydraulics analysis is required during the plan check process and the stormwater discharged into the City system shall be to the satisfaction of the Public Works Director prior to issuance of any permits.
 25. Each lot shall drain to the street or other approved drainage facility. Cross lot drainage shall be minimized.
 26. Adequate drainage/erosion control shall be provided at all times during the construction.
 27. Any landscaping proposed within a public utility easement is subject to approval by the Director of Public Works and Director of Community Development.
 28. All landscape and irrigation systems, located in the park strip areas shall be connected to the water system metered to the property owner.
 29. An "Occupancy Permit" shall be required for all private facilities (such as signs, walls, lighting, landscaping, curbs, parking facilities, etc.) located within the public right-of-way, to the satisfaction of the Director of Public Works and the Director of Community Development.
 30. Obtain an encroachment permit for all public improvements.
 31. Comply with insurance requirements prior to commencing work in the public right-of-way.

32. Public improvement plans shall be prepared on 24"x36", 4 mil mylars and submitted as a complete package. A complete package includes street, sewer, water, drainage, off-site landscaping and any appropriate reports and back up documents. Incomplete submittals shall be rejected.
33. Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted prior to occupancy release.

D. Fire Prevention

1. As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, Title 19 California Code of Regulations.
2. The water supply for fire protection and fire fighting systems shall be approved by the Department of Public Safety.
3. Provide on-site fire hydrants (SMC 16.42.220).

E. Other Public Agencies

1. Pay School Tax fees prior to issuance of a building permit.